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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,778	02/08/2001	Jean M. Goldschmidt Iki	42390P6482D2	6744

7590

09/21/2005

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EXAMINER
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SRIVASTAVA, VIVEK

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/779,778

Applicant(s)

GOLDSCHMIDT IKI ET AL.

Examiner

Vivek Srivastava

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

### *Double Patenting*

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

**Claims 1 – 23** are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 - 20 of U.S. Patent No. US 6,594,825. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to modify claims in patent 6,594,825 to get the claims in the instant application.

**Claims 1 – 23** in the instant application correspond to claims 1 – 20 in patent US 6,594,825. Claims 1 – 23 in the instant application recite the same limitations in claims 1 – 20 in patent US 6,594,825, except for the claimed displaying differences in characteristics between the multiple versions, displaying the differences comprises displaying only the identified versions and displaying the differences comprises

highlighting the identified differences in characteristics. However, it would have been obvious to modify claims 1 – 20 in US patent 6,594,825 to include the claimed limitations to get claims 1 – 23 in the instant application for the benefit of helping a user quickly identify differences in the multiple versions.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 5, 8, 9, 13, 16, 17 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by White et al (US 5,596,373).**

***Regarding claims 1, 9 and 17*** White discloses receiving an entertainment program input for selecting other times a program is on and identifying and displaying the multiple versions of the same program with a set of descriptive information which includes associated time and channel information (see fig 15B and col 8 lines 40 – 53).

White discloses identifying differences in characteristics between the multiple versions and displaying the differences in characteristics between the multiple versions (see differences in times – fig 15B).

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**Regarding claims 5, 13 and 21**, White discloses the claimed limitation, wherein white discloses a user can select one of a plurality of versions for display (fig 15B, col 8 lines 40 – 52).

**Regarding claims 8 and 16**, White discloses searching the EPG for displaying alternate versions (see fig 15B).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 2, 3, 10, 11, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over White et al (US 5,596,373).**

**Regarding claims 2, 10 and 18**, White fails to disclose the claimed wherein displaying the differences comprises displaying only the identified differences.

Official Notice is taken displaying differences is well known in EPG systems wherein a preferred list of channels taken from a user profile shows only difference between the channels a user prefers from all the channels in the EPG for the benefit of reducing the amount of information and presenting only pertinent information. Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to modify White to include displaying only the differences in characteristics for the benefit of reducing the amount of data which needs to be displayed by displaying only the pertinent data.

**Regarding claims 3, 11 and 19**, the combination of White and Wugofski teaches displaying the differences in characteristics (see Wugofski fig 4 and fig 6) but fail to teach highlighting the identified differences in characteristics.

Official Notice is taken it would have been well known highlighting characteristics in and EPG would aid in a viewer to quickly and accurately differentiate pertinent data from non-pertinent data. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of White and Wugofski to include the claimed limitation for the benefit of aiding a viewer to quickly and accurately differentiate pertinent data from non-pertinent data.

**Claims 4, 6, 7, 12, 14, 15, 20, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over White (US 5,596,373) in view of Wugofski (US 6,003,041).**

**As to Claims 4, 6, 7, 12, 14, 15, 20, 22 and 23** White fails to disclose the claimed method, apparatus and storage medium having stored instructions that when executed identify characteristics which comprises a channel transport source medium including different transport source media including one or more of cable and satellite

In analogous art, Wugofski teaches merging a EPG's received from a plurality of sources, wherein a user can select a given program from a preferred source. In particular, Wugofski teaches a method, apparatus and storage medium having stored

instructions that when executed identify characteristics which identify characteristics which comprises a channel transport source medium including different transport source media including one or more of cable and satellite (see fig 4 and fig 6). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify White to include the claimed limitation for receiving programming and EPG's from a plurality of sources transported on different transport media for the benefit of offering a user a plurality of choices for viewing a program broadcast on a user preferred media.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Morrison (US 5,900,915) – Electronic schedule system

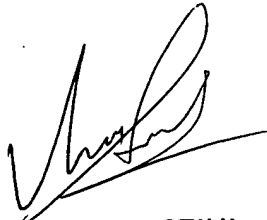
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (571) 272-7304. The examiner can normally be reached on Monday – Friday from 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272 – 7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vs  
9/16/05



VIVEK SRIVASTAVA  
PRIMARY EXAMINER